

Attorney Docket No. SIC-04-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

RYUICHIRO TAKAMOTO, et al

Application No.: 10/711,548

Filed: September 24, 2004

For: BICYCLE SHIFT CONTROL
APPARATUS THAT CANCELS A
TENTATIVE SHIFT

Examiner: Marlon A. Arce Diaz

Art Unit: 3611

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

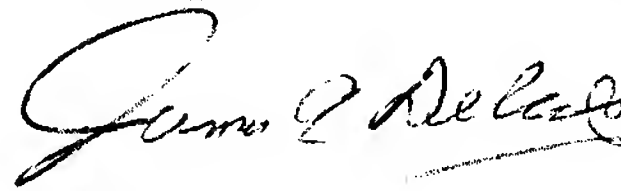
This is a reply brief for the above-captioned matter.

The Appellant does not dispute that Fujii may sample the bicycle speed at two different times (at step S22 and again at step S26 in Fig. 6). The issue is whether Fujii discloses or suggests the subject matter recited in claim 1, and the other claims, that a "decision unit decides that the current running condition value varies from a previous running condition value by a determined value."

As an initial matter, the issues to be decided must be based on the actual language of claim 1 without adding or subtracting words. Claim 1 does not specifically recite "cancellation of the upshift" as alleged at page 5 of the Examiner's Answer. Claim 1 is not limited to upshift processing. Also, claim 1 is not limited to any particular method of deciding "that the current running condition value varies from a previous running condition value by a determined value." Such a decision may be made based on direct comparison of bicycle speed signals or by some other method.

However, it cannot be said that claim 1 is broad enough to cover simply comparing two sampled bicycle speeds to a threshold value and then canceling a shift when one of the sampled values falls below a threshold value. Claim 1 requires a decision to be made that "the current running condition value varies from a previous running condition value by a determined value." As applied to the Fujii embodiment, the fact that a first sampled bicycle speed is above an upshift value and a second sampled bicycle speed value is below the threshold value may be considered a decision that the bicycle speeds have varied, but the Examiner's Answer makes no mention of the phrase "by a determined value" recited in claim 1. The decision recited in claim 1 must include processing based on of the extent of the variation, and Fujii's system is completely unaware of any such extent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James A. Deland", with a stylized flourish at the end.

James A. Deland
Reg. No. 31,242

DELAND LAW OFFICE
P.O. Box 69
Klamath River, California 96050
530-465-2430